IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 11TH SEPTEMBER 2007 / 20TH BHADRA 1929

WP(C).No. 24893 of 2007(L)

PETITIONER:

VASUDEVAN, VADAKKOTTATHARA,
P.O.KOTTATHARA, AGALI, PALAKKAD DT.

BY ADV. SRI.B.V.JOY SANKER

RESPONDENTS:

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1. STATE OF KERALA REPRESENTED BY
CHIEF SECRETARY, GOVT.SECRETARIAT,
THIRUVANANTHAPURAM.

2. DISTRICT COLLECTOR, PALAKKAD.

3. REVENUE DIVISIONAL OFFICER,
PALAKKAD.

4. RANGAN, S/O MOOLA,
VADAKKOTTATHARA OORU, P.O.KOTTATHARA, AGALI,
PALAKKAD DT.

BY SENIOR GOVERNMENT PLEADER SRI. P.K. BABU

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC,J.

W.P (C) No.24893 of 2007

Dated this the 11th day of September, 2007

J U D G M E N T

Against an order dated 27.2.2007 issued under the Kerala Restriction on Transfer by and Restoration of Lands to Scheduled Tribes Act , the petitioner filed Exhibit-P1 appeal and Stay Petition before the 2nd respondent. Since the petitioner is physically handicapped, which is evident from Exhibit-P2 medical certificate, he could not make himself present at the time when the stay petition was heard. According to him he had authorised his brother to represent the matter before the 2nd respondent. However, recording the statement of his brother that he had no right in the property and that he has no interest in the matter, the 2nd respondent rejected stay by Exhibit-P3 order. It is challenging Exhibit-P3 this writ petition has been filed.

2. I heard the Learned Government Pleader on behalf of respondents 1 to 3. In the nature of the order that I propose to pass, notice to the 4th respondent is not issued. Considering the fact that petitioner is the only person interested in the land, taking into account the circumstances particularly that he is a

physically handicapped person, the absence of the petitioner at the time when the matter was heard, ought to be condoned by the 2nd respondent. He should given another opportunity to represent his case.

For that reason, I am satisfied that Exhibit-P3 deserves to be quashed and I do so. Accordingly, I dispose of this writ petition directing the 2nd respondent to consider and pass orders on Exhibit - P1 appeal, as expeditiously as possible at any rate, within two months from the date of receipt of a copy of this judgment, giving the petitioner and also the 4th respondent an opportunity of hearing in the matter. Until orders are passed, further proceedings pursuant to the order dated 27.2.2007 issued by the 3rd respondent shall be kept in abeyance.

With these directions, writ petition is disposed of as above.

(ANTONY DOMINIC, JUDGE)

ma

K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007